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General Average Declaration in Hull and Machinery Claims

General Average predates the invention of marine insurance. Its origins can be traced back to the *Justinian Code* (circa A.D. 530), where it was formally recognized as a principle developed to address the issue of jettison.

Today, GA is codified under the **York-Antwerp Rules**, which provide a framework whereby extraordinary sacrifices or expenditures made for the common safety are shared proportionately among all parties involved in a maritime adventure.

We were recently asked: when should General Average be declared?

While a formal declaration is not a strict legal requirement, shipowners routinely issue one to secure contributions from cargo and other stakeholders. GA can technically be declared at any time, but the key triggers timing typically falls into three categories:

It is suggested that the declaration timing could be

- **Before Departure**: If extraordinary measures occur during loading or pre-departure.
- **During Voyage**: Hull damage (grounding, fire, collision) or machinery breakdown requiring salvage, towing, or port-of-refuge repairs.
- **Before Arrival**: If sacrifices or expenses were made en route, early declaration ensures contributions before delivery.

Crucially, GA must be declared before releasing the cargo. Once the cargo is released, the shipowner loses their possessory lien, making it extremely difficult to obtain the necessary GA security from cargo interests.